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The Honorable William L. Dwyer

AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTONIN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA)

(PROPOSED)

Plaintiff,)

NO. C90-0395-WD

v.)

ORDER DISMISSING
PLAINTIFF'S FIRST
CLAIM FOR RELIEFTHE CITY OF SEATTLE, and)
MUNICIPALITY OF METROPOLITAN)
SEATTLE,)

Defendants.)

Defendants, Municipality of Metropolitan Seattle ("Metro") and The City of Seattle ("Seattle") have moved this court for an order pursuant to Fed. R. Civ. P. 12(b)(6) for dismissal of plaintiff's first claim for relief.

The court having considered the motion filed by defendants, the brief in support thereof, plaintiff's brief in response thereto and defendants' reply brief, and having reviewed the files and records herein and being otherwise fully apprised of the premises,

NOW, THEREFORE, IT IS HEREBY ORDERED that plaintiff's first claim for relief is dismissed with prejudice and without cost to either party for plaintiff's failure to commence the action alleged under plaintiff's first claim for relief prior to the running of the applicable statute of limitations, which statute of limitations expired on _____.

SCL 04726

ORDER DISMISSING PLAINTIFF'S
FIRST CLAIM FOR RELIEF

PRESTON THORGRIMSON SHIDLER GATES & ELLIS

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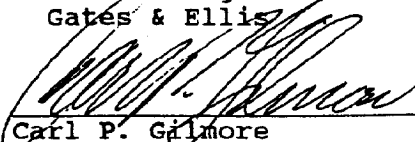
SEA290214

1 So ordered this ____ day of _____, 1990.

2
3 Hon. William L. Dwyer

4 Presented by:

5 Carl P. Gilmore
6 Preston Thorgrimson Shidler
7 Gates & Ellis

8 
9 Carl P. Gilmore
WSBA No. 03051

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ORDER DISMISSING PLAINTIFF'S
FIRST CLAIM FOR RELIEF - 2

SCL 04727